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| 10/560,817  | 04/17/2006  | Abraham Wilhelmus Brandon | 2005-1033           | 6419             |
| <div>465      7590      11/07/2008</div> <div>YOUNG &amp; THOMPSON</div> <div>209 Madison Street</div> <div>Suite 500</div> <div>ALEXANDRIA, VA 22314</div> |             |                           |                     |                  |
| EXAMINER  |             |                           |                     |                  |
| MILLER, DANIEL H  |             |                           |                     |                  |
| ART UNIT  |             | PAPER NUMBER              |                     |                  |
| 1794  |             |                           |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/560,817

**Applicant(s)**BRANDON, ABRAHAM  
WILHELMUS**Examiner**

DANIEL MILLER

**Art Unit**

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6 and 8-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 8-15, 17 and 19 is/are rejected.
- 7) ☒ Claim(s) 3, 6, 16, 18 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4, 8, 11-14 and 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Matthias (US 6,495,236) or (WO99/60213 PCT Pub date Nov. 25 1999).

3. It is noted that the US '236 case is a 371 of the WO document. There is a presumption that the 371 and the WO contain the same teachings as required. Therefore the examiner has relied upon the citations of the US '236 document for the teachings of the WO document.

4. Matthias teaches an artificial lawn able to absorb and store quantities of water wherein the stored water is released when the lawn is walked upon (abstract). The artificial lawn includes blades which are at least partly hollow and can consist of small U-shaped tubes (see figures). The small tubes can further have openings in their lateral wall so as possibly to be able to absorb water also from the support layer or from a water-storing layer (see abstract). The tube like grass filaments are woven or otherwise attached to a support layer (see figures). The interior alls of the tube can be filled with a hydrophilic layer (column 2 lines 25-35), which is considered to meet the limitation of a "liquid conductor" filling "at least in part" the tubular core as claimed .

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthias (US 6,495,236) or (WO99/60213 PCT Pub date Nov. 25 1999) in view of Hass Jr (US 3,995,079).

7. Matthias, discussed above, is silent as to a rubber buffer layer.

8. Haas teaches it is known in the art to provide a separate rubber buffer layer as a backing between the turf and the ground because in order to provide a cushioning effect fro impact to the turf (column 5 lines 11-25).

9. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide buffer layer as a backing between the turf and the ground because it is known to provide a cushioning effect fro impact to the turf.

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matthias (US 6,495,236) or (WO99/60213 PCT Pub date Nov. 25 1999) in view of (EP 0724825).

11. Matthias, discussed above, is silent as to the incorporation of the turf with natural grass.

12. EP '825 teaches a plant growth sheet structure for growing a natural turf characterized in that a base web layer and a core layer are layered in this order along an ascending direction and are integrally coupled together; said base web layer has a water retentive portion; and said core layer has a large number of gaps providing water and gas permeability. At the turf surface a large number of flexible protective pile yarn synthetic plant projections are provided.

13. It would have been obvious to one of ordinary skill in the art at the time of the invention to in order to provide a semi-natural turf that is less susceptible to damage and can be transported and replaced next to natural grass as taught by EP '825 while also providing a grass like artificial surface while grass is still growing or damaged during use (see page 2 EP '825).

***Allowable Subject Matter***

14. Claim 21 is allowed.

15. Claims 3, and 16, 18, and 20 and claim 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. There is no teaching in the art to provide the limitation of a silicon interior fiber as claimed by applicant or filling the fiber core with felt, cotton, or soil.

### ***Response to Arguments***

16. Applicant's arguments with respect to all pending claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL MILLER whose telephone number is (571)272-1534. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith Hendricks can be reached on (571)272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel Miller

/KEITH D. HENDRICKS/

Supervisory Patent Examiner, Art Unit 1794